

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

V.

AL NERIO *et al.*,

Defendants.

Case No. C06-5340RJB

ORDER GRANTING
PLAINTIFF'S *IN FORMA*
PAUPERIS, APPLICATION,
ORDERING ENTRY OF THE
CASE MANAGEMENT ORDER,
AND DIRECTING PLAINTIFF
TO EITHER FILE SERVICE
DOCUMENTS OR FILE A
RENEWED MOTION FOR
ISSUANCE OF SUMMONS

The Court, has reviewed plaintiff's application to proceed *in forma pauperis*. (Dkt. # 1). The court has also reviewed plaintiff's application to proceed *in forma pauperis* in Scott v. Special Commitment Center, 06-CV-5359RBL. The court originally had concerns regarding a flow of funds into plaintiffs' trust account at the Special Commitment Center.

Plaintiff's avers he is unemployed, but he also states he "draws" \$50 per month as director of a non profit organization. (Dkt. # 1). Plaintiff does not provide other information as to his connection to this organization or to his ability to control the assets of the corporation in his application in this case. In Scott v. Special Commitment Center, 06-CV-5359RBL he states the organization "ran out of funds."

1 (Application to proceed *in forma pauperis* in Scott v. Special Commitment Center, 06-CV-5359RBL, Dkt.
2 # 1).

3 Plaintiff's trust account with the Washington Special Commitment Center shows a flow of income
4 fluctuating between \$150 dollars and \$50 dollars per month. (Dkt. # 1, attached trust statement). In
5 November of 2005 plaintiff received two deposits from the "Great NW Fed CU" totaling \$150 dollars.
6 (Dkt. # 1, attached trust statement). Every other month he received \$ 50 dollars which is consistent with
7 plaintiff's statements to the court. The court assumes the bank account at "Great NW Fed CU" is
8 connected to the non profit organization although plaintiff does not specifically indicate that is the case.

9 While plaintiff provides his trust account information from the state he does not provide
10 information concerning the asserts in the bank account at "Great NW Fed CU." The court takes judicial
11 notice of the information plaintiff provides in Scott v Special Commitment Center that the corporation is
12 out of funds. Plaintiff's application to proceed *in forma pauperis* is **GRANTED**.

13 Plaintiff litigates under close judicial scrutiny as a result of past abusive practices. The District
14 Court Judges of this district have adopted a case management order and a sanction order relating to the
15 plaintiff. The orders can be found in Scott v Denny, 04- CV- 5574RBL. The case management order is
16 Dkt. # 30 and the sanctions order is Dkt. # 76. The case management order directs the Magistrate Judge
17 to enter a copy of the order in this case and the clerk of court is directed to **enter a copy of the case
18 management order**.

19 Now that plaintiff has been granted *in forma pauperis* status, the court considers pending motions.
20 Plaintiff has filed a "Parciepe." asking for signed summons in this case. In that document he indicates "I do
21 my own service of SCC Staff but I need signed summons please."

22 As a person proceeding *in forma pauperis*, plaintiff is entitled to have the United States Marshal's
23 Service attempt service by mail on his behalf. If plaintiff wishes to serve the complaint himself he will need
24 to follow the Federal Rules of Civil Procedure regarding service of a complaint.

25 The choice is plaintiffs', **the clerk is directed to send plaintiff seven Marshals service forms**. If
26 plaintiff's wishes the court to order the Marshal's attempt service by mail he needs to send a copy of the
27 complaint and filled out service form for each defendant. If plaintiff wishes to undertake service himself as
28 he need only file a renewed request for summons and return the seven copies of the service form. The

1 court will order seven summons be issued.

2 Plaintiff needs leave of court to obtain summons because of the case management order. That
3 order limits plaintiff's ability to obtain subpoenas and mandates a court order. The court considers
4 summons to be a document of similar nature. Here, plaintiff has shown good cause for the issuance of
5 seven summons.

6 Plaintiff's response, either service documents or a renewed request for summons, is due on or
7 before **AUGUST 18th, 2006**. The clerks' office is directed to calendar that date on the court's calendar and
8 the court will review the file at that time.

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10 DATED this 17th, day of July, 2006.

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12 /S/ J. Kelley Arnold
13 J. Kelley Arnold
United States Magistrate Judge

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